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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Falkland Islands (Malvinas)**

Working paper prepared by the Secretariat

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** A dispute exists between the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland concerning sovereignty over the Falkland Islands (Malvinas) (see ST/CS/SER.A/42).

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I. General

1. The Falkland Islands (Malvinas) is a Non-Self-Governing Territory administered by the United Kingdom of Great Britain and Northern Ireland, comprising two large islands, known as East and West Falkland, as well as hundreds of smaller islands, and a total area of about 12,173 square kilometres. The Falkland Islands (Malvinas) are situated in the South Atlantic, about 770 kilometres north-east of Cape Horn and about 480 kilometres east of the South American mainland. South Georgia, located about 1,300 kilometres south-east of the Falkland Islands (Malvinas) group, and the South Sandwich Islands, located about 750 kilometres east-south-east of South Georgia, are administered from the Falkland Islands (Malvinas) as a separate territory; the Governor of the Falkland Islands (Malvinas) acts concurrently as Commissioner for South Georgia and the South Sandwich Islands. According to the latest census (2006), the population of the Falkland Islands (Malvinas) was 2,478 (not including residents temporarily absent and civilians working in conjunction with the Ministry of Defence), representing the largest population since 1931.

II. Constitutional and political developments

2. The Constitution approved in 2008 came into force on 1 January 2009 (Statutory Instrument 2008, No. 2846). Members of the legislature elect a Speaker to preside over sittings of the Legislative Assembly. A Chief Executive is appointed by the Governor in agreement with the Legislative Assembly as head of the public service to implement policy. Each member takes responsibility for a particular portfolio and works closely with the relevant departments. Members do not have ministerial responsibility. Questions of policy are considered by the Executive Council, which consists of three members of the Legislative Assembly who are elected annually fron their own number, in addition to two ex officio members who have no voting rights. The Attorney General and the Commander of British Forces on the Islands have the right to attend meetings of the Executive Council but do not vote. The United Kingdom-appointed Governor has responsibility for foreign policy and defence. By the terms of the Constitution, the Governor, with the advice and consent of the Legislative Assembly, may make laws for the peace, order and good government of the Territory, while full power to make laws for the peace, order and good government of the Territory is reserved for the British Crown.

3. The last general elections were held for all eight members of the Legislative Assembly on 5 November 2009, five from the Territory's urban constituency (Stanley) and three from the Camp (i.e., outside the Territory's only town), for a four-year term. The current Governor, Nigel Haywood, took up his appointment in October 2010.

4. As previously reported, regarding the constitutional reform process in 2008, Argentina protested against what it termed "a unilateral act" carried out by the United Kingdom in "disregard for the resolutions on the question of the Malvinas Islands duly adopted by the General Assembly and the Special Committee on Decolonization" and in "violation of the spirit of the provisional understandings under the sovereignty formula" reached by Argentina and the United Kingdom (see

Note: The information contained in the present working paper has been derived from information transmitted to the Secretary-General by the administering Power under Article 73 *e* of the Charter of the United Nations as well as information provided by the Government of Argentina and that available in public sources.

A/63/542, annex I). With reference to Argentina's protest, the United Kingdom rejected the assertion that the Falkland Islands Constitution Order 2008 was contrary to any aspect of the Joint Statements agreed between the United Kingdom and Argentina or that it contravened any General Assembly resolutions (see A/63/589).

5. In recent years, Argentina and the United Kingdom reiterated their respective positions regarding the various aspects of the sovereignty dispute. That included the issuance of press releases by Argentina on 10 June 2010 in connection with the observance of the "Day of Affirmation of Argentine rights over the Malvinas Islands" and other areas, and on 3 January 2011 "on the occasion of the latest anniversary of the illegal occupation of the Malvinas Islands by the United Kingdom", and written démarches by the United Kingdom before the United Nations rejecting territorial and other claims made by Argentina.

6. Additional information on the positions of the administering Power and the Government of Argentina can be found below.

III. Budget

7. The Territory's financial year runs from 1 July to 30 June. According to the administering Power, the Territory makes every effort to maintain a balanced budget. For 2010/2011, the approved estimate for total revenue was £42.3 million, of which £13 million was estimated to come from fisheries, £5 million from investment income, £10.8 million from taxation and £5.7 million from public works. During the same period, the revised estimate for expenditure was £43.3 million.[1]

IV. Economic conditions

A. General

8. According to the administering Power, the gross domestic product (GDP) of the Islands was estimated to be about £104 million in 2009. Increasing revenue from corporation tax indicates a growing private sector. The fishing industry remains the most important sector of the economy (about 53 per cent of GDP), and the tourism sector has witnessed growth. The Territory's stated aim is to ensure a diverse and sustainable economy for the future, and work is being done in partnership with the private sector to develop a long-term economic development strategy. The latest Islands Plan (2009-2013) outlines a vision for improved financial management, quality of life and communications while aiming at ensuring a sustainable economy.

B. Fisheries

9. Loligo and Illex squid are the mainstay of the fisheries and economy of the Territory. In recent years, Loligo catches have been relatively stable whereas Illex catches have declined. In addition to those two squid species, a number of finfish are targeted, including southern blue whiting, hake and hoki. According to the administering Power, the Fisheries Department is responsible for administering the

[1] Information provided by the administering Power on 7 January 2011.

fisheries sector in the Territory. Media reports indicated that the Territory was exploring the building of a new port to facilitate the trans-shipment of catches.

C. Tourism

10. Tourism is a significant contributor to the Territory's economy, valued at approximately £6.1 million per annum. According to the administering Power, there has been a measurable expansion in the Falkland Islands (Malvinas) tourism sector in recent years, with an average annual growth rate in visitor arrivals of 5 per cent since the 2000/2001 season. In 2009/2010, approximately 67,000 tourists, largely from cruise ships, visited the Territory. The Tourist Board predicts that annual tourist arrivals will approach 80,000 by 2015 if strong growth continues.

D. Agriculture, land tenure and livestock

11. As previously reported, the most significant change in agriculture in recent years has been the development of the meat industry and of farming adjusted to produce dual-purpose sheep that will maximize returns from both meat and wool. According to the administering Power, 1.6 million kilograms of wool were exported from the Islands in 2009, and 37,000 sheep and lambs were processed through the Sand Bay abattoir for export. The Territory has an ongoing 10-year plan in support of agriculture.

E. Transport, communications and utilities

12. The Territory has concluded an extensive road-building programme involving the construction of a road network of approximately 1,000 kilometres to connect outlying settlements and farms. Work continued in upgrading the latter and allocated £850,000 to capital funding in 2010/11. In addition to roads, a coastal shipping service to settlements on the east, west and outlying islands, a regular ferry service between the two main islands, and local air services ensure communications.

13. In 2010, the LanChile Airline continued to provide a regular weekly service between Punta Arenas, Chile, and the Falkland Islands (Malvinas), including two monthly stopovers in Río Gallegos on mainland Argentina, in accordance with the provisions of the Joint Statement of 14 July 1999 between Argentina and the United Kingdom. Moreover, under the Exchange of Notes Agreement of 23 February 2001, private flights are authorized, as are a number of medical evacuation flights from the Falkland Islands (Malvinas) to mainland Argentina and Chile. Additional information can be found in the previous working paper (A/AC.109/2010/15, sect. V.E).

14. In response to hydrocarbon-related activities carried out in waters around the Falkland Islands (Malvinas), in February 2010 Argentina issued Presidential Decree 256/2010 requiring authorization measures for vessels calling at Argentine ports or crossing Argentine waters. In this connection, Argentina and other countries, as well as the Ibero-American Summit of Heads of State and Government, the Latin America and Caribbean Summit, the Southern Common Market (MERCOSUR) and the Union of South American Nations (UNASUR), recalled that the General Assembly, in resolution 31/49 of 1 December 1976, had called upon both parties to the dispute to refrain from introducing unilateral modifications in the situation. For

more information, see documents A/64/653, A/64/711, A/64/717, A/64/781, A/64/844, A/65/530 and A/65/637.

15. For its part, as set out in a letter circulated as a General Assembly document in May 2010, the United Kingdom considered, inter alia, that Presidential Decree 256/2010 was not compliant with international law, including the United Nations Convention on the Law of the Sea (see A/64/787). Additional information can be found in documents A/64/813, A/64/887 and A/65/639.

16. Concerning communications, the introduction of Island-wide rural broadband access has improved the situation within and outside the Territory. There are well over 1,000 computers in the Territory. In 2010, approximately 75 per cent of households were connected to broadband Internet, while 248 computers used a dial-up connection. Some 4,000 mobile and 1,984 fixed-line telephones operate within the resident population. However, according to media reports, local businesses are struggling with an at times unreliable Internet service supplied by a private company.

17. The Territory's first major wind farm became operational in 2007 and had been meeting 25 per cent of urban electricity needs. By November 2010, over 11,300,000 units of electricity had been generated by the turbines. The capacity of the wind farm has been doubled, with the expectation that 40 per cent of the Territory's urban electricity use will be met from wind power as a result. On a smaller scale, wind turbines provide power to homesteads and small settlements throughout the Islands.

F. Environment and hydrocarbons

18. According to the administering Power, the Falkland Islands (Malvinas) works to uphold a number of environmental treaties. In 2010, the Territory adopted a second plan of action to reduce seabird mortality owing to trawling activity, based on work carried out since 2004 by the Territory's Albatross and Petrel Programme. For its part, Argentina rejects the territorial application of those treaties by the United Kingdom on the grounds that the Falkland Islands (Malvinas), along with the surrounding maritime areas, were an integral part of Argentina.

19. According to the administering Power, traces of hydrocarbons were found in exploration wells in offshore waters to the north of the Islands since 1998, but no commercial discovery was made. Further, additional explorations commenced in February 2010 under licences issued by the Territory, which receives direct revenue in taxation from the hydrocarbons industry. In the event that a commercial oil discovery was made, any offshore production activity would be developed with a view to keeping onerous socio-economic, health, safety and environmental impacts to a minimum. The Territory had funded assessments by such institutions as the Institute of Environmental Management and Assessment (IEMA) and the Scottish Association for Marine Science (SAMS), and had sought the expertise of the Health and Safety Executive of the United Kingdom's Department of Energy and Climate Change, and the British Geological Survey to regulate the environmental impacts and health and safety of offshore hydrocarbons exploration.

20. In February 2010, the Government of Argentina submitted a note of protest to the United Kingdom firmly rejecting "the British attempt to authorize the carrying out of hydrocarbon exploration and exploitation activities in the area of the Argentine continental shelf" around the Territory (see A/64/653, annex), and

adopted a number of measures "in response to the British actions", including "rules allowing it to penalize companies that engage directly or indirectly in oil and gas exploration or exploitation without the relevant permits issued by the competent Argentine authorities" (see A/64/711, annex). In addition, on 24 February 2010, the then Argentine Foreign Minister, Jorge Taiana, called on the Secretary-General in the context of his good offices. The Secretary-General took note of Argentina's concerns and expressed satisfaction at its commitment to resolve the dispute in a peaceful manner. Additional information can be found in the preceding section, and below.

V. Social conditions

A. General

21. According to the administering Power, the Territory observes the principles contained in the Universal Declaration of Human Rights. The European Convention for the Protection of Human Rights and Fundamental Freedoms and other international human rights instruments have been extended to the Falkland Islands (Malvinas) by the administering Power. Information for 2010 concerning the United Kingdom's position regarding the Convention on the Elimination of All Forms of Discrimination against Women can be found in document A/64/722.

22. For its part, Argentina has consistently rejected the territorial application by the United Kingdom of those various instruments, as well as the designation of the Territory as an Overseas Territory of the United Kingdom or any other similar designation. Information for 2010 on Argentina's position regarding the Convention on the Elimination of All Forms of Discrimination against Women can be found in document A/64/626.

B. Public health

23. According to the administering Power, the general state of health in the Falkland Islands (Malvinas) is good. The majority of medical and dental treatment and prescription drugs are free to all residents under a reciprocal health agreement.

C. Social security and welfare

24. According to the administering Power, the Falkland Islands Retirement Pensions Ordinance provides for mandatory fixed monthly contributions by all employers and by employees between the ages of 17 and 64. The Falkland Islands Pension Scheme Ordinance 1997 provides for a national defined-contribution vehicle through which employers, self-employed individuals and other individuals within the Falkland Islands (Malvinas) can make contributions during their working lives, under employer-employee agreements or voluntarily, and receive a pension upon retirement. A system of social welfare grants and pensions is in place to deal with cases of hardship and disability.

D. Education

25. Education in the Falkland Islands (Malvinas) is free and compulsory for all children between the ages of 5 and 16, with access to preschool (nursery) education from the age of 4. According to the administering Power, the Government provides for a total of approximately 400 schoolchildren. In 2010, a new vocational training centre was opened to manage an apprenticeship programme and provide other training in key skills, including for school leavers who are not going straight into employment, and further education such as courses in bookkeeping and supervisory management.

26. According to information provided by Argentina, inhabitants of the Falkland Islands (Malvinas) enjoy equality of access to the Argentine public education system. Additional information on the subject is contained in the 2010 report of the Secretary-General on offers by Member States of study and training facilities for inhabitants of Non-Self-Governing Territories (A/65/67, sect. II.B).

VI. Mine clearance and related matters

27. Under the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, known as the Ottawa Convention, States parties are obliged to clear anti-personnel mines in mined areas within 10 years of the Convention's entry into force, unless an extension is granted under the Convention.

28. In November 2008, the Ninth Meeting of States Parties to the Ottawa Convention decided to grant the United Kingdom an extension until 1 March 2019, and the United Kingdom decided to proceed with the clearance of four mined areas in the Territory. According to the administering Power, the four-site clearance programme was completed in June 2010. A follow-up phase of clearance was expected to start before the end of 2011 and be completed during 2012.[1]

29. Further, as previously reported, the Second Review Conference of the Ottawa Convention agreed in December 2009 to grant Argentina's request for an extension until 1 January 2020. At the Tenth Meeting of States Parties to the Ottawa Convention, held in Geneva from 29 November to 3 December 2010, Argentina stated that mine-clearing planning would be implemented as soon as it exercised control over the areas in question or when both Argentina and the United Kingdom reached agreement over making progress in such planning (see APLC/MSP.10/2010/WP.8*).

30. On a separate matter, according to information provided, on 9 October 2010 Argentina submitted a letter of protest to the United Kingdom rejecting that country's intent to fire missiles from the Territory as "an unacceptable provocation conducive to an arms race in the region, which is in direct contradiction to the Argentine policy of consistently seeking a peaceful solution to the dispute" (see A/65/504, annex).

31. The same month, the United Kingdom stated that test firing of anti-aircraft missiles in the area had happened approximately every six months for 28 years since they were deployed. The live firing in October 2010 was therefore considered

routine and did not represent any change. Further information on the subject can be found in documents A/65/539 and A/65/689.

32. In that connection, Argentina replied that "the United Kingdom clearly admits to having repeatedly and deliberately violated its obligations deriving from the relevant international instruments in the context of the International Maritime Organization (IMO)" (A/65/553, annex). Argentina and other countries, as well as the Ibero-American Summit, MERCOSUR, the Rio Group and UNASUR, stated, inter alia, that the firing of missiles from the Territory violated General Assembly resolution 31/49 and obstructed the full implementation of the maritime safety standards of IMO. The IMO Maritime Safety Committee took up the subject at its eighty-eighth session on 29 November 2010 and urged Member States to continue to comply with the relevant requirements and recommendations on the safety of navigation (see MSC 88/26). Additional information on the subject can be found in documents A/65/523, A/65/527, A/65/623 and A/65/689.

VII. Participation in international organizations and arrangements

33. According to information provided by the administering Power, the Government of the Falkland Islands (Malvinas) participates in activities of the Commonwealth and is a member of the United Kingdom Overseas Territories Association. Also, representatives of the Government participate, as members of the United Kingdom delegation, in discussions on various matters affecting their interests. In November 2010, the Falkland Islands (Malvinas) and Saint Helena established the South Atlantic Territories Cooperation Forum to work together on common projects in areas such as procurement, health, transportation links, climate change, agriculture, tourism, public works, conservation and public sector workforce development.

VIII. Consideration by intergovernmental organizations and forums

34. As previously reported, the Treaty of Lisbon came into force on 1 December 2009, amending the Treaty on European Union and the Treaty establishing the European Community. In 2010, the High Representative of the European Union recalled, in the context of the European Union-Latin America and Caribbean Summit (Madrid, 18 May 2010), the position that the "Falkland Islands are associated with the European Union as an overseas territory of the United Kingdom in accordance with articles 198/204 of Part Four of the Treaty on the Functioning of the European Union" (see EU press release No. A 80/10). Information on the general position of Argentina and the United Kingdom can be found in previous working papers and in documents A/64/612, A/64/672 and A/64/879.

35. During meetings held in 2010, intergovernmental entities, including regional and subregional organizations such as the Latin American and Caribbean Heads of State and Government Summit (Riviera Maya, Mexico, 23 February 2010); the General Assembly of the Organization of American States (Lima, 4 June 2010); the Southern Common Market (San Juan, Argentina, 3 August 2010; Foz do Iguaçu,

Brazil, 17 December 2010); the Union of South American Nations (Los Cardales, Argentina, 4 May 2010; Quito, 12 October 2010; and Georgetown, Guyana, 26 November 2010); the Rio Group (Santiago, Chile, 15 October 2010); and the Ibero-American Summit (Mar del Plata, Argentina, 4 December 2010), addressed the question of the Falkland Islands (Malvinas) and reaffirmed the need for Argentina and the United Kingdom to resume negotiations to find a peaceful solution to that long-standing dispute. Some of those organizations also rejected the United Kingdom's aforementioned hydrocarbon- and missile-related activities.

36. According to the administering Power, the United Kingdom is not a member of the aforementioned organizations, with the exception of the European Union, nor has it been represented at any of the aforementioned meetings, with the exception of the Organization of American States, where the United Kingdom has observer status. Further information on this matter can be found in section X below.

IX. Future status of the Territory

A. Position of the administering Power

37. In exercise of the right of reply to the remarks made by the President of Argentina in the General Assembly on 24 September 2010 (see also paras. 39 and 40 below), the United Kingdom reiterated its established position that there could be "no negotiations on the sovereignty of the Falkland Islands unless and until such time as the Islanders so wish" and that the principle of self-determination "underlies our position on the Falkland Islands". Further, the United Kingdom indicated that "the Falkland Islands Government is entitled to develop a hydrocarbons industry within its own waters", and it had noted that "the Government of the Republic of Argentina has announced plans for hydrocarbons exploration in the South Atlantic. Both the Falkland Islands Government and the Government of the Republic of Argentina have environmental responsibilities related to their exploration. The Falkland Islands Government takes its responsibilities very seriously" (see A/65/513, annex).

38. According to information provided by the administering Power, in the annual message to the Territory for 2011, the Prime Minister of the United Kingdom, David Cameron, restated the commitment of the United Kingdom to the Islanders, adding: "It is in all our interests that we maintain a constructive working relationship with Argentina. And we will continue to do so. At the G-20 and on tackling climate change, there is common ground to be found. But let me reassure you, we will stand resolutely beside you on any question of sovereignty."[1]

B. Position of the Government of Argentina

39. As reflected in the official record of the 14th plenary meeting of the sixty-fifth session of the General Assembly on 24 September 2010 (A/65/PV.14), the President of Argentina, Cristina Fernández de Kirchner, in her address to the General Assembly, inter alia, claimed "respect for our sovereign rights over the Malvinas Islands". According to the President, the United Kingdom had refused to implement the General Assembly resolutions calling for negotiations with the Argentine Republic on the question of sovereignty. Further, she noted that "unilateral

decisions" had been taken by the United Kingdom to exploit hydrocarbon resources on the Islands, which constituted a "depredation of natural resources that belong to us" and entailed "the risk of ecological catastrophe".

40. The President of Argentina concluded by expressing the belief that, with regard to the question at hand, the United Kingdom could "do as it likes" as no one was compelling it to implement the decisions of the General Assembly, because it was a permanent member of the Security Council and an important member of the North Atlantic Treaty Organization. "In a world of double standards — where only the developing and extremely weak countries are compelled to abide by the international legal order while those who can systematically violate it do so — it is not possible to build peace, let alone maintain international security, because such situations end up creating the kind of insurmountable disputes and differences we see every day" (A/65/PV.14).

41. Additional information on the position of the Government of Argentina can be found in section X.A below.

X. Consideration by the United Nations

A. Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

42. The Special Committee considered the question of the Falkland Islands (Malvinas) at its 9th and 10th meetings, on 24 and 25 June 2010 respectively, as reflected in the relevant meeting records (A/AC.109/2010/SR.9 and 10). At its 9th meeting, the Special Committee decided to accede to the requests of the delegations of Argentina, Brazil, El Salvador, Guatemala, Mexico, Panama, Paraguay, Peru and Uruguay to participate in the Committee's consideration of the item.

43. Also at the 9th meeting, statements by Ms. Edwards and Mr. Short from the Legislative Assembly of the Falkland Islands (Malvinas) were heard. Mr. Clifton, Mr. Betts and Mr. Gleadell also made statements.

44. At the same meeting, the representative of Chile introduced, on behalf of Bolivia (Plurinational State of), Chile, Cuba, Ecuador, Nicaragua and Venezuela (Bolivarian Republic of), draft resolution A/AC.109/2010/L.15, which the Special Committee adopted without a vote at its 9th meeting. In the resolution, the Special Committee reiterated that the way to put an end to the special and particular colonial situation in the question of the Falkland Islands (Malvinas) was the negotiated settlement of the dispute, in accordance with the relevant General Assembly resolutions.

45. The Foreign Minister of Argentina, Héctor Timerman, made a statement at the 9th meeting of the Special Committee on 24 June 2010. As reflected in the meeting's summary record, the Foreign Minister, inter alia, reiterated the "Argentine Republic's inalienable and imprescriptible sovereign rights over the Malvinas Islands, South Sandwich Islands and South Georgia Islands and the surrounding maritime areas". With its adoption of resolution 2065 (XX) in 1965, the General Assembly had interpreted resolution 1514 (XV) and applied it specifically to the sovereignty dispute, inviting Argentina and the United Kingdom to negotiate a

peaceful solution. He went on to say that the right of self-determination did not apply: there was a colonial situation, but no colonized people. The United Kingdom's suggestion that there could be no negotiations with Argentina until the British inhabitants of the Islands so wished, was clearly contrary to resolution 1514 (XV). Argentina had reiterated at every opportunity its willingness to negotiate in order to comply with its obligation to settle the dispute and was not opposed to cooperating with the United Kingdom in practical aspects arising from the current situation in the South Atlantic (see A/AC.109/2010/SR.9, paras. 30, 31, 33 and 35).

46. In the Foreign Minister's view, the situation in the South Atlantic had been worsened by the United Kingdom's unilateral decision to prospect for oil with a view to eventually exploiting the non-renewable natural resources of the Argentine continental shelf in the waters around the Islands. That contravened General Assembly resolution 31/49 and ignored the clear opposition expressed unanimously by the countries of Latin America and the Caribbean. Additionally, there was some concern in the region over the United Kingdom's large military presence in the Territory and the, in the speaker's view, "militaristic" statements made by the British Government, including by its representatives on the Islands (see A/AC.109/2010/ SR.9, para. 37).

47. At the 9th and 10th meetings of the Special Committee, the representatives of Bolivia (Plurinational State of), Brazil, China, Cuba, Ecuador, El Salvador, Guatemala, Indonesia, Mali, Mexico (as host country of the first Latin American and Caribbean Unity Summit), Nicaragua, Papua New Guinea, Paraguay, Peru, the Russian Federation, Sierra Leone, the Syrian Arab Republic, Tunisia, Uruguay (on behalf of the States members of the Southern Common Market (MERCOSUR) and associated States) and Venezuela (Bolivarian Republic of) also made statements on the question of the Falkland Islands (Malvinas).

48. On 10 December 2010, the United Kingdom transmitted for circulation as a document of the General Assembly a letter dated 7 December 2010 from the "Office of the Legislative Assembly" addressed to the Chairman of the Special Committee, Donatus Keith St. Aimee, Permanent Representative of Saint Lucia, inviting him to visit the Territory (see A/65/617).

49. In that connection, by a letter of 4 January 2011 (A/65/683), Argentina rejected in its entirety the communication from the United Kingdom (A/65/617), stating, inter alia, that the United Kingdom was "violating United Nations doctrine on the Malvinas issue by requesting the circulation of a letter from the so-called authorities of a colonial territory with a transplanted population that is the object of a sovereignty dispute, the solution of which involves only the two parties to the dispute: Argentina and the United Kingdom".

B. Special Political and Decolonization Committee (Fourth Committee)

50. On 4, 8 and 11 October 2010, during the debate on decolonization issues in the Special Political and Decolonization Committee (Fourth Committee) of the sixty-fifth session of the General Assembly, the delegations of Argentina, Bolivia (Plurinational State of), Brazil, Chile, Costa Rica, Cuba, Ecuador, Guatemala, Nicaragua, Paraguay, Peru, Uruguay and Venezuela (Bolivarian Republic of)

referred to the question of the Falkland Islands (Malvinas), as reflected in the meeting records (A/C.4/65/SR.2, A/C.4/65/SR.6 and A/C.4/65/SR.7).

51. On 4 October, the representative of Brazil, speaking on behalf of MERCOSUR, the State party in the process of accession, Venezuela (Bolivarian Republic of), and the associated States of Bolivia (Plurinational State of), Chile, Colombia, Ecuador and Peru, reiterated their support for the legitimate rights of the Argentine Republic in the sovereignty dispute over "the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas". The only way to end the dispute was through a peaceful negotiated solution. Furthermore, in the Special Declaration on Exploration of Non-renewable Natural Resources on the Argentine Continental Shelf of 3 August 2010, the Presidents of the States parties of MERCOSUR and associated States had rejected the exploration of non-renewable natural resources being carried out by the United Kingdom on the Argentine continental shelf, in violation of General Assembly resolution 31/49, and undertook to refrain from facilitating the activities of ships intended to provide support to activities involving drilling for hydrocarbons that would affect the rights of the Argentine Republic (see A/C.4/65/SR.2, paras. 16 and 17).

52. Also, speaking on behalf of the Rio Group, the representative of Chile reaffirmed the Group's commitment to eradicating colonialism and called upon the Governments of Argentina and the United Kingdom to resume their negotiations in order to find a peaceful, just and definitive solution to the sovereignty dispute. The Rio Group reiterated the Declaration and Special Communiqué on the exploration for fossil fuels on the continental shelf around the Islands, adopted by the Heads of State and Government of Latin America and the Caribbean gathered at the Unity Summit held in Mexico on 22 and 23 February 2010 (see A/C.4/65/SR.2, paras. 19 and 21).

53. In addition, the Permanent Representative of Argentina stated his Government's position, which had been generally reflected earlier in the year in Argentina's contribution to the Secretary-General's report entitled "Second International Decade for the Eradication of Colonialism" (A/65/330, annex I). In his intervention on 4 October, the Permanent Representative said, inter alia, that his country had always been a firm defender of the right of peoples to self-determination. It could therefore not countenance the distortion of the principle of self-determination to justify the continued existence of a colonial sovereignty dispute that had breached the territorial integrity of Argentina since 1833. Successive General Assembly and Special Committee resolutions had recognized the colonial situation there as special and particular, to be resolved through negotiations between the two parties in the interests of the population of the Islands (see A/C.4/65/SR.2, para. 37).

54. Speaking in exercise of the right of reply, the representative of the United Kingdom reiterated his Government's position on 4, 8 and 11 October 2010, which had been reflected earlier in the year in its contribution to the Secretary-General's report (A/65/330, annex I), that it had no doubts about its sovereignty over the Territory (A/C.4/65/SR.2, para. 56). The United Kingdom also stated, inter alia, that the "democratically elected representatives" of the Territory who had addressed the Special Committee in 2010 wished the status of the Islands to remain unchanged.

55. Speaking in exercise of the right of reply, the representative of Argentina stated his Government's position on 4, 8 and 11 October that "the Malvinas Islands,

South Georgia Islands and South Sandwich Islands and the surrounding maritime areas were an integral part of Argentine territory". He further stated, inter alia, that his Government had reiterated at every opportunity its willingness to negotiate; it was now for the United Kingdom to fulfil its obligation to try to reach a settlement that would end the dispute (see A/C.4/65/SR.2, paras. 57 and 37).

C. Action taken by the General Assembly

56. Under resolution 58/316 of 1 July 2004, the General Assembly decided that the item entitled "Question of the Falkland Islands (Malvinas)" would remain on the agenda for consideration upon notification by a Member State. As of the date of the issuance of the present working paper, no such notification by a Member State to the General Assembly had been received.